



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/518,311

10/07/2005

Jurgen Nachbaur

101194-91

6663

27387

7590

04/03/2008

NORRIS, MCLAUGHLIN & MARCUS, P.A.

875 THIRD AVE

18TH FLOOR

NEW YORK, NY 10022

EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,311	Applicant(s) NACHBAUR ET AL.	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 and 24-31 is/are rejected.
- 7) ☒ Claim(s) 18-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 28, 2008 has been entered.

Claim Objections

Claim 23 is objected to because of the following informalities: in line 4, "a drawer frame" should be "the drawer frame". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Grabher (5,462,349). Grabher teaches a connector component (horizontal portion 5 with integral vertical member) connecting a drawer frame (1) to a drawer bottom (2), the arrangement comprising: a strip-shaped vertical contact web (see vertical portion attached to 5 in Fig. 2) having a lower end; and a supporting leg (5) projecting from the

lower end of the contact web, the supporting leg including an inner strip-shaped leg portion having a first edge directly adjoining the lower end of the contact web and an outer strip-shaped leg portion farthest away from the contact web, the outer strip-shaped leg portion having a free edge and an opposite edge directly adjoining a second edge of the inner strip-shaped leg portion opposite its first edge, the inner and outer strip-shaped leg portions being substantially parallel but offset relative to one another with the inner strip-shaped leg portion being offset a greater distance relative to the lower end of the contact web than that of the outer strip-shaped leg portion; the support leg having at least one fixing claw (11) with pointed free ends integrally punched-out and projecting substantially perpendicularly therefrom, the supporting leg having at least one elongate punched-out slot (6,7) defined therein between the lower end of the contact web and the free edge of the outer strip-shaped leg portion (see Fig. 3). Also taught is a connecting fitting (3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grabher in view of Salice (6,629,738). As stated above, Grabher teaches the limitations of claim 24, including a drawer with a connector component. For claims 26-31, Grabher

fails to teach a specific guide rail and a retraction device with the drawer and connector assembly. Salice teaches a guide rail (4, 3, 1) with a retraction device (6). The device including a housing (6), a pawl component (14) for triggering a retraction function, a catch (11) disposed on the guide rail (4) and a damping device (with grease/fluid 19); the housing of the automatic drawer retraction device being disposed on an underside, facing away from the drawer bottom, of the supporting leg of the connector component so that the pawl component projects, during pull-out or push-in movement of the drawer bottom, into a path of the catch. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the drawer assembly of Grabher by adding a specific drawer guide assembly therewith, i.e. adding the assembly (4,3,1) and device (6) of Salice partially within the frame (1) of Grabher (guide 4 and device 6 being located within the cavity of frame 1 of Grabher, guide 1 being attached to the cabinet wall of Grabher and rollers 3 being located there between), to provide a specific drawer moving means between the drawer and cabinet of Grabher, one that includes a damping/retraction means. Furthermore, the retraction device would be mounted to the leg via members (tongues 9,7) attached to the guide rail (1) which is in turn would be attached to the support leg via the other guide members (3,4).

Allowable Subject Matter

Claims 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet M. Wilkens/
Primary Examiner, Art Unit 3637

Wilkens
March 30, 2008